

IN THE CLAIMS

1-26 (Cancelled)

Add new claims 27-49 as follows:

27. (New) A multi-purpose card, comprising:  
a base layer defining a wallet-sized card;  
first and second redemption or charging means in the form of first and second integrated circuit chips, each integrated circuit chip containing information relating to a different entity, wherein the first and second integrated circuit chips are mis-aligned to allow selective charging or redeeming for that entity;  
whereby the multi-purpose card may be used for different transactions or purposes by selectively passing the first or second integrated circuit chip through a reader thus redeeming or charging to the selected entity.
28. (New) The multi-purpose card of claim 27, wherein the base layer is comprised of plastic or paper.
29. (New) The multi-purpose card of claim 27, wherein the first and second integrated circuit chips are on opposite surfaces of the base layer.
30. (New) The multi-purpose card of claim 27, including a laminate layer including a hologram, overlying and attached to the base layer.
31. (New) The multi-purpose card of claim 27, including a picture associated with the card.
32. (New) The multi-purpose card of claim 27, including a bar code imprinted onto the base layer.

33. (New) The multi-purpose card of claim 27, including a plurality of peel-off coupons detachably connected to the base layer.

34. (New) A multi-purpose card, comprising:

a base layer defining a wallet-sized card;

first and second redemption or charging means in the form of first and second integrated circuit chips, each integrated circuit chip containing information relating to a different entity, wherein the first and second integrated circuit chips are disposed on opposite surfaces of the base layer to allow selective charging or redeeming for that entity;

whereby the multi-purpose card may be used for different transactions or purposes by selectively passing the first or second integrated circuit chip through a reader thus redeeming or charging to the selected entity.

35. (New) The multi-purpose card of claim 34, wherein the base layer is comprised of plastic or paper.

36. (New) The multi-purpose card of claim 34, including a laminate layer including a hologram, overlying and attached to the base layer.

37. (New) The multi-purpose of card of claim 34, including a picture associated with the card.

38. (New) The multi-purpose of card of claim 34, including a defined area of the card having information printed thereon and covered with a scratch-off foil treatment.

39. (New) The multi-purpose card of claim 34, including a bar code imprinted onto the base layer.

40. (New) The multi-purpose card of claim 34, including a plurality of peel-off coupons detachably connected to the base layer.

41. (New) A multi-purpose card, comprising:

a base layer defining a wallet-sized card;

first and second redemption or charging means in the form of first and second integrated circuit chips, each integrated circuit chip containing information relating to a different entity, wherein the first and second integrated circuit chips are aligned on the same surface of the base layer to allow selective charging or redeeming for that entity;

whereby the multi-purpose card may be used for different transactions or purposes by selectively passing the first or second integrated circuit chip through a reader thus redeeming or charging to the selected entity.

42. (New) The multi-purpose card of claim 41, wherein the first and second integrated circuit chips are positioned at opposite ends of the base layer.

43. (New) The multi-purpose card of claim 41 wherein the first ad second integrated circuit chips are positioned at the same end of the base layer.

44. (New) The multi-purpose card of claim 41, wherein the base layer is comprised of plastic or paper.

45. (New) The multi-purpose card of claim 41, including a laminate layer including a hologram, overlying and attached to the base layer.

46. (New) The multi-purpose of card of claim 41, including a picture associated with the card.

47. (New) The multi-purpose of card of claim 41, including a defined area of the card having information printed thereon and covered with a scratch-off foil treatment.

48. (New) The multi-purpose card of claim 41, including a bar code imprinted onto the base layer.

49. (New) The multi-purpose card of claim 41, including a plurality of peel-off coupons detachably connected to the base layer.

COMMENTS ON CLAIMS IN PRELIMINARY AMENDMENT

The present divisional application is filed herewith to pursue the subject matter of claims 1, 2, 9-11, 21 and 22 which were previously cancelled in parent application Serial No. 09/865,652. These claims have been introduced as new claims 27-33, respectively. The present divisional patent application is also filed herewith to pursue the subject matter of unentered claims 27-42 of the April 2, 2003 Amendment After Final. These claims are represented in the present divisional patent application as claims 34-49. Claims 1-26 in parent application Serial No. 09/865,652 have either been allowed or cancelled, and therefore, excluded from the calculation of the present divisional patent application filing fee.

As discussed above, the claims of the present divisional patent application were presented in an April 2, 2003 Amendment After Final in response to a February 4, 2003 Office Action in the parent case. However, in an April 18, 2003 Advisory Action, Applicant was informed that these amendments and new claims were not entered. Accordingly, Applicant presents these claims in the present divisional patent application. Applicant also provides the following arguments with respect to these claims as applied to the references cited in the February 4, 2003 Office Action.

Claim 27 recites that the first and second integrated circuit chips are misaligned to allow selective charging or redeeming for the entity whose information is contained on the particular integrated circuit chip. Independent claim 34 further recites that each integrated circuit chip is disposed on opposite surfaces of the base layer. Independent claim 41 further recites that each integrated circuit chip is aligned on the same surface of the base layer.

Each integrated circuit chip contains information related to a different entity such that the card can be introduced into a reader to allow selectively charging or redeeming for that entity.

As properly admitted in the February 4, 2003 Office Action, Lalonde does not disclose the use of integrated circuit chips. Instead, Lalonde includes two discrete sets of embossed information as well as two magnetic strips on the reverse side of the card corresponding to the embossed information. There is no teaching, disclosure or even suggestion of use of integrated circuit chips.

The February 4, 2003 Office Action combined Lalonde with Thompson. The Office Action stated that "the Examiner takes Official Notice of the equivalents of magnetic strips and integrated circuit chips for their use in the multi-purpose card art and the selection of any of these known equivalents would be within the level of ordinary skill in the art. Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Lalonde with a bar code and peel-off coupons in the manner as taught by Thompson in order to increase information handling capacity of the assembly". However, absent the "Official Notice" the Examiner did not provide any support as to why it would have been obvious to combine these references or substitute the various redemption means.

It is well-known that the mere fact that the references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP §2143.01 Citing In re Mills, 16 USPQ 2d 1430 (Fed. Cir. 1990). Furthermore, it is axiomatic that a claimed invention is not obvious solely because it is composed of elements that are individually found in the prior art. Life Technologies, Inc. v. Clontech Laboratories, Inc. 56 USPQ 2d 1186 (Fed. Cir. 2000).

The Thompson reference does not disclose the use of multiple integrated circuit chips which are aligned on either the same end or opposite ends of the base layer, mis-aligned, or disposed on opposite surfaces of the base layer to allow selective charging or redeeming for that particular entity. In fact, Thompson does not disclose the use of such redemption means for multiple entities. Furthermore, there is absolutely no disclosure or suggestion in the Lalonde reference for the use of integrated circuit chips, bar codes, peel-off coupons, etc. as recited in the claims of the present application. Thus, there is absolutely no basis in the references themselves for their combination, yet alone to arrive at the amended claims of the present application. Applicant respectfully traverses the "Official Notice" asserted by the Examiner without further support.

It appears as if the Examiner has inappropriately used Applicant's claims as a framework from which to pick and choose among individual references to recreate the claimed invention. Of course, it is well-known that such hindsight is impermissible and strictly forbidden. As stated by the Federal Circuit in Baush & Lomb v. Barnes Hind/Hydrocurve, Inc., 230 USPQ 416 (Fed. Cir. 1986), it is impermissible within the framework of 35 U.S.C. §103 to pick and choose from a

reference only so much of it that will support a conclusion of obviousness to the exclusion of other parts necessary to a full appreciation of what the reference fairly suggests to one skilled in the art.

Neither cited reference discloses or suggests the use of first and second integrated circuit chips, positioned as recited, to allow selective charging or redeeming for that particular entity. Applicant asserts that it would not have been obvious given these references to arrive at either claims 27, 34 or 41. Accordingly, Applicant respectfully asserts that these claims, as well as their dependents, are not rendered obvious in light of the cited references.

In light of the foregoing remarks and presentation of claims, Applicant respectfully requests examination of claims 27-49, which Applicant believes are patentably distinct from the cited references as described above.

Respectfully submitted,

KELLY BAUERSFELD LOWRY & KELLEY, LLP



Scott W. Kelley  
Registration No. 30,762

SWK:kr  
6320 Canoga Avenue, Suite 1650  
Woodland Hills, California 91367  
(818) 347-7900